

Message Text

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43 40
ACTION EB-11

INFO OCT-01 IO-13 ADP-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 COME-00 DODE-00 FMC-04 INR-10 NSAE-00

COA-02 DOTE-00 SCI-06 EPA-04 CEQ-02 OIC-04 RSR-01 L-03

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C O N F I D E N T I A L GENEVA 4569

FOR RADM RATTI FROM CAPT. YOST

E.O. 11652: GDS
TAGS: PBOR, UN
SUBJECT: REPORT OF CONVERSATIONS ON IMCO MARINE POLLUTION
CONFERENCE WITH LOS DELEGATIONS

1. CANADA (BEASLEY AND CASKEY): IN ORDER TO HAVE A
SUCCESSFUL CONFERENCE WE MUST FIND A WAY OF AVOIDING THE
JURISDICTIONAL ISSUES. FEEL WE CAN GET FLAG STATE ENFORCE-
MENT BUT PORT STATE ENFORCEMENT DOUBTFUL. SUGGESTS LOOK AT
ART 7 OF DUMPING CONVENTION TO SEE THE CANADIAN SOLUTION TO
JURISDICTION. INDICATES THAT COMMUNICATIONS BETWEEN CANADIAN
TRANSPORT MINISTRY AND LOS DELEGATION NOT AS GOOD AS IT
SHOULD BE. BELIEVES ACTIONS OF LDC'S WILL DEPEND ON U.S.
APPROACH TO JURISDICTION. IF WE PRESS FOR TERRITORIAL SEA
FORMULA LDC'S WILL PRESS FOR AN ENFORCEMENT ZONE APPROACH.
THIS MIGHT DESTROY THE CHANCE FOR A SUCCESSFUL CONFERENCE.

2. KENYA (MBOTE): MANY MEMBERS OF THE GROUP OF 77 WILL ATTEND
CONFERENCE. IF CONFERENCE DEALS WITH ANY TYPE OF ENFORCEMENT
ISSUES (INCLUDING FLAG OR PORT STATE) THEN LDC'S WILL PROPOSE COASTAL
STATE ENFORCEMENT IN A ZONE. THIS WILL CAUSE CONFUSION AND THE
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CONFERENCE WILL NOT ACCOMPLISH ANYTHING. CONFERENCE MUST DEAL

ONLY WITH TECHNICAL STANDARDS IF IT IS TO BE A SUCCESS. ENFORCEMENT IS AN LOS ISSUE.

3. JAMAICA: WANT TO SEE GOOD NORMS COME FROM CONFERENCE BUT IN JURISDICTION THE CONFERENCE MUST BE SUBORDINATE TO LOS.

4. VENEZUELA: (SALAS): MANY LDC'S WILL ATTEND THE CONFERENCE. EXPECTS PERU, CHILE, BRAZIL, TRINIDAD AND TOBAGO, KENYA, TANZANIA AND MEXICO AMONG OTHER TO ATTEND. THESE COUNTRIES WILL BE INTERESTED IN THE JURISDICTIONAL ISSUES. IF FLAG/PORT STATE ENFORCEMENT IS INTRODUCED THEN THE LDC'S WILL PRESS FOR COASTAL STATE ENFORCEMENT WHICH WILL KEEP THE CONFERENCE FROM AGREEMENT.

5. MEXICO (VALLARTE): GROUP OF 77 IS SENDING A LETTER TO ALL OF ITS MEMBERS INDICATING THAT THE CONFERENCE IS IMPINGING ON THE MANDATE OF LOS AND ENCOURAGING THEM TO ATTEND THE CONFERENCE TO SUPPORT THE GENERALLY ACCEPTED GROUP OF 77 POSITION. MEXICO WILL NOT BE OBSTRUCTIVE AND WILL WORK FOR A CONVENTION WITH ART 9(2) LANGUAGE FROM THE FIFTH DRAFT. MARITIME STATES MUST AVOID INSISTANCE ON PORT STATE ENFORCEMENT. FLAG STATE ENFORCEMENT WILL PROBABLY BE ACCEPTABLE TO THE LDC'S WITH OTHER ENFORCEMENT ISSUES BEING SETTLED AT LOS.

6. NORWAY (BUDDE): MAY BE INSTRUCTED TO SUPPORT LIMITED COASTAL STATE ENFORCEMENT IN ZONE AT IMCO IN ADDITION TO FLAG/PORT STATE.

7. COMMENT: IT IS PROBABLE THAT A SIGNIFICANT NUMBER OF LDC'S WILL ATTEND CONFERENCE WITH THE INTENT TO HAVE COASTAL STATE POLLUTION ZONE ENFORCEMENT CONSIDERED AS AN ADDITION TO PORT STATE/FLAG STATE. ANY DISCUSSION OF LIMITING ENFORCEMENT TO TERRITORIAL SEA MAY BE ANSWERED BY THE POLLUTION ZONE CONCEPT. ANY DISCUSSION OF PORT STATE ENFORCEMENT MAY BE ANSWERED BY COASTAL STATE ENFORCEMENT. CANADA HAS INDICATED DESIRABILITY OF ACHIEVING AGREEMENT OF FLAG STATE/PORT STATE ENFORCEMENT AN IMCO SO LONG AS COASTAL ENFORCEMENT QUESTION CAN ACTUALLY BE LEFT OPEN. CANADA, OF COURSE, IS SYMPATHETIC TO COASTAL STATE DEMANDS GENERALLY BUT MAY BE COOPERATIVE ON THIS ISSUE.BASSIN

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